

27th Annual

# Washington Construction Law



SEPT. 22 & 23, 2020

LIVE WEBCAST FROM

Seattle, WA

## ACCREDITATION

WA MCLE, OR CLE,  
CA CLE, AIA, IRMI

*(see inside for details)*

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

## Seminar Overview

If you practice Construction Law, desire to practice Construction Law, or are confronted with matters involving Construction Law, you cannot afford to miss this conference. Learn recent developments in Washington and Federal case law, statutes and regulations. Learn how to protect the rights of your clients when dealing with public contracts, cutting edge contracting delivery methods, insurance, and bankruptcy. Find out from the mediator what strategies and tactics can help you settle your disputes through Alternative Disputes Resolution (ADR).

The Construction Law legal terrain is ever changing. Protect your company's rights to receive payment for its work, and preserve defenses against unmeritorious demands. What you don't know will hurt you!

Construction industry participants need to have the latest information to navigate the complex construction process in today's world. Come learn from Washington State's top construction lawyers. Our format of presenting the latest developments, with practical insights on the issues, has been time tested for over two decades.

## Who Should Attend:

Architects  
Attorneys  
Contractors  
Engineers  
Municipal Employees  
Government Employees

## GOLD SPONSORS

**ACS+** Ahlers  
Cressman &  
Sleight PLLC

LANE POWELL



## Washington Construction Law Tuesday, September 22, 2020

- 9:00 Introduction and Overview – Day One**  
**PDT** **Stanton P. Beck**, *Program Co-Chair*  
*Lane Powell PC*  
**Paul R. Cressman, Jr.**, *Program Co-Chair*  
*Ahlers Cressman & Sleight PLLC*
- 9:10 Special Presentation: Federal Construction Law - New Developments**  
New statutes; new regulations; new cases  
**James F. Nagle**  
*Oles Morrison Rinker & Baker LLP*
- 10:00 Construction During the Time of COVID 19**  
Keeping in compliance with the Governor's orders; working with local jurisdictions on what is needed to proceed with permits  
**Thaddaeus J. Gregory**  
*Hillis Clark Martin & Peterson PS*
- 10:45 Break**
- 11:00 Lien and Bond Claims**  
Public works bond and retainage claims  
**Seth Millstein**  
*Pillar Law PLLC*
- 11:45 Discovery Issues in Construction Claims**  
**Heather L. Heindel, PE**  
*Perkins Coie LLP*
- 12:30 Midday Break**
- 1:45 Public Works Competitive Bidding and Bid Protests**  
The sources of law governing state agency public works procurement; the grounds for challenging the contract award including bid responsiveness, bidder responsibility, consideration of bids of other than announced bid evaluation criteria, owner/bidder negotiations, ambiguous or unduly restrictive specifications; bid protest procedures  
**Arnold R. Hedeem**  
*Schlemlein Fick & Franklin PLLC*
- 2:30 Construction Contracts**  
Updated drafting considerations and risk allocation for owners and contractors related to COVID-19 and other case experiences  
**Scott R. Sleight**  
*Ahlers Cressman & Sleight PLLC*
- 3:15 Break**
- 3:30 Construction Changes/Differing Site Conditions**  
**John P. Ahlers**  
*Ahlers Cressman & Sleight PLLC*
- 4:15 Bankruptcy Impacts on Construction Projects**  
Chapter 7 & 11 commercial bankruptcies; the automatic stay; executory contracts; submitting claims and getting paid; enforcing bonds and lien rights; preferences and claw back actions; recovering from non-debtor parties; and alternative insolvency proceedings  
**James B. Zack**  
*Lane Powell PC*
- 5:00 Adjourn**

## Washington Construction Law Wednesday, September 23, 2020

- 9:00 Introduction and Overview - Day Two**  
**PDT** **Stanton P. Beck**, *Program Co-Chair*  
*Lane Powell PC*  
**Paul R. Cressman, Jr.**, *Program Co-Chair*  
*Ahlers Cressman & Sleight PLLC*

- 9:05 Washington Construction Law – New Developments**  
Recent cases of interest addressing accord and satisfaction, arbitration, attorney-client privilege, claim notice, ethics, incorporation by reference, industrial insurance, insurance, lien and bond claims, service of process, statute of repose, and workplace safety; recent legislation including changes to the subcontractor listing statute  
**Paul R. Cressman, Jr.**  
*Ahlers Cressman & Sleight PLLC*
- 9:45 Claims Against Design Professionals**  
Updates; contracting issues; problem areas and practice tips  
**Stanton P. Beck**  
*Lane Powell PC*
- 10:15 Break**
- 10:30 Key Subcontracting Issues**  
**Michael P. Grace**  
*Groff Murphy PLLC*
- 11:15 Ethical Considerations for Construction Lawyers**  
**Christopher H. Howard**  
*Schwabe Williamson & Wyatt PC*  
**Kainui M. Smith**  
*Schwabe Williamson & Wyatt PC*
- 12:15 Midday Break**
- 1:15 Construction Defect Litigation**  
When to use pre-claim notices; advising clients on risks and benefits of proceeding with litigation; key claims to assert in construction defect lawsuits; calculating damages  
**Katie J. Comstock**  
*Levy | von Beck | Comstock | PS*
- 2:00 Insurance Considerations**  
Coverage for faulty construction; additional insured endorsements—the significance of “you” and “any”; builders risk, liability insurance, and subrogation waivers—who pays first?; OCIPs and CCIPs—issues when everyone is covered by one policy; settling the property damage case when a counterclaim is pending  
**Todd C. Hayes**  
*Harper | Hayes PLLC*
- 2:45 Labor & Employment Concerns in the Construction Setting**  
Work in the COVID-19 Era – emergency paid sick leave; FMLA leave; OSHA  
**Darren A. Feider**  
*Sebris Busto James*
- 3:15 Break**
- 3:30 Delay and Impact Claims**  
Types of claims; causes of delay/acceleration/inefficiencies/impact claims and compensability of these claims; avenues of success and defeat  
**Meghan A. Douris**  
*Oles Morrison Rinker & Baker LLP*
- 4:15 Alternative Dispute Resolution**  
Mediation; arbitration/litigation; Disputes Review Board  
**Robert S. Marconi**  
*Ashbaugh Beal LLP*  
**Richard H. Skalbania**  
*Ashbaugh Beal LLP*
- 5:00 Adjourn**

# Faculty - Washington Construction Law



**Stanton P. Beck, Program Co-Chair**, is a shareholder with Lane Powell PC. He has been involved in most of the major construction projects in the Pacific Northwest and has served in contracting and dispute roles in national and international projects. He is nationally recognized for his experience in construction litigation.



**Michael P. Grace** practices construction law with Groff Murphy PLLC, providing counsel to general contractors, owners, sureties and insurers. He negotiates and drafts a wide variety of agreements called for in the construction industry, and has experience resolving different types of construction claims and disputes.



**Paul R. Cressman, Jr., Program Co-Chair**, is a founding member of Ahlers Cressman & Sleight PLLC, where he co-chairs the Construction Industry Practice Group. He represents general contractors, subcontractors, suppliers, owners, and design professionals involved in public and private construction projects.



**Thaddaeus J. Gregory** is an attorney at Hillis Clark Martin & Peterson PS who focuses on land use, real estate, and environmental law. He advises a broad range of clients who are undertaking development projects on how to navigate federal, state and local zoning/land use, as well as state regulatory compliance.



**John P. Ahlers** is a founding member of Ahlers Cressman & Sleight PLLC. His experience spans from small private construction projects to complex engineering, building, construction and insurance matters. He represents owners, general contractors, subcontractors, suppliers, architects, engineers, and trade associations.



**Todd C. Hayes** is a member of Harper | Hayes PLLC. He represents contractors, developers, and other business owners in insurance coverage disputes, construction defect litigation, and appeals. He frequently lectures on insurance coverage, and helped author the insurance section of the *WSBA Construction Law Deskbook*.



**Katie J. Comstock** is a shareholder at Levy | von Beck | Comstock | PS. She focuses on construction defect litigation, real estate disputes, commercial collection, and HOA/condo disputes. Her clients include homeowners, small business owners, material suppliers, contractors, condo & homeowner associations.



**Arnold R. Hedeem** is Of Counsel in the firm of Schlemlein Fick & Franklin PLLC, where his practice focuses on construction and government contract law and general civil litigation. He has more than 30 years of experience representing clients on all aspects of the procurement, construction and dispute resolution process.



**Meghan A. Douris** is a partner at Oles Morrison Rinker & Baker LLP. She provides clients legal counsel on the diverse issues impacting their construction projects, including: differing site conditions, delay and impact claims, heavy civil construction contract claims, construction contract issues & risk management strategies.



**Heather L. Heindel, PE**, is of counsel with Perkins Coie LLP. She has over 15 years' experience as a construction attorney and engineer assisting in the successful completion of construction projects from conception through closeout. She prepares and negotiates complex construction, operations and maintenance contracts.



**Darren A. Feider** is a shareholder with Sebris Busto James. His practice involves general employment litigation, wrongful discharge and discrimination claims, wage and hour disputes, trade secret, covenant not to compete and non-solicitation litigation as well as copyright infringement and trademark matters.



**Christopher H. Howard** is a shareholder at Schwabe Williamson & Wyatt PC. He is a strategically minded litigator with a wide range of clients including ports, hospitals, national restaurant chains, life and disability insurers, medical, legal, accounting and other professionals.



**Robert S. Marconi** is a partner at Ashbaugh Beal LLP. Since joining the firm in 1989, his practice has been devoted to construction law and litigation, with a focus on public and private contracts, bid disputes and claim and dispute resolution. He has been the Chair of the firm's Construction Law Group since 1999.



**James B. Zack**, an attorney at Lane Powell PC, represents clients in all areas of bankruptcy and related creditors' rights matters. He served as a Judicial Law Clerk to the Honorable Brian D. Lynch and as a Judicial Extern to the Honorable Karen A. Overstreet, both of the U.S. Bankruptcy Court for the Western District of WA.



**Seth Millstein** is a member of Pillar Law PLLC who practices law all across Washington. He handles a range of litigation matters, with an emphasis on real estate and construction law. He assesses each situation and utilizes the "three Ps" as a key to successful litigation: Planning, Personality, and Payment.



**James F. Nagle**, a retired partner, now Of Counsel at Oles Morrison Rinker & Baker LLP, is a nationally recognized attorney and thought leader in government contract law. He is sought after for his valuable counsel as consultant, expert witness or arbitrator/mediator by the government and its federal contractors.



**Richard H. Skalbania** is a partner at Ashbaugh Beal LLP. During his 30-year career, he has successfully represented clients in some of the most high-profile construction disputes in the Pacific Northwest. He has been on the AAA construction panel of arbitrators since 2000 and frequently serves as a mediator.



**Scott R. Sleight**, a partner with Ahlers Cressman & Sleight PLLC, has practiced construction law for over twenty years. He represents contractors and owners at the front end, during and at project conclusion. He is experienced in preparing/negotiating construction contracts involving traditional & alternative delivery methods.



**Kainui M. Smith** is an attorney at Schwabe Williamson & Wyatt PC. He provides legal services to real estate and construction companies from the inception of a project through litigation. He handles cases as both plaintiff and defense counsel through all phases of mediation, arbitration, and litigation.

# Washington Construction Law

## Credits

### **WA MCLE**

This course has been approved for 11.5 hours of law and legal credit and 1.0 hours of ethics CLE credit by the Washington MCLE board (Live Credits for Webcast). Self-Study credit will be available, specific credit amount to be determined.

**The Seminar Group is an accredited sponsor with the Washington State Bar**

### **OR CLE**

This course has been approved by the Oregon State Bar for 11.5 general and 1.0 ethics CLE credits (Live Credits for Webcast).

### **CA CLE**

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 11.75 general and 1.0 ethics CLE credits (Live Credits for Webcast).

### **AIA**

This course has been approved by The American Institute of Architects for 12.75 LU's (Live Credits for Webcast). Credits for recorded courses not available. Day one is approved for 6.25 LUs and day two is approved for 6.5 LUs. The Seminar Group is an AIA CES Approved Provider.

### **IRMI**

This course has been approved by the IRMI for 6.0 hours of CRIS reaccreditation credits (Live Credits for Webcast). If you plan to attend the webcast and need CRIS credits please let us know in advance. We will need to add extra viewing verification for you to receive credits. Credits for recorded courses not available.

## Location

### **Live Webcast broadcasted from Seattle, WA**

LIVE WEBCAST broadcast from Seattle, WA

Phone: 206-463-4400

Due to growing health concerns regarding the spread of COVID-19, The Seminar Group has opted to hold the Washington Construction Law seminar **strictly webcast**.

## Fees

### **Live Webcast:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$749.00
Other Professionals	\$699.00
Student / Professor	\$599.00
Day One	\$499.38
Day Two	\$499.38

### **Pre Order On Demand:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order MP3 Download:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order DVD Homestudy:**

All Sessions	\$899.00
--------------	----------

### **Pre Order CD Homestudy:**

All Sessions	\$899.00
--------------	----------

### **Pre Order Materials Download:**

All Sessions	\$229.00
--------------	----------

### **Pre Order Printed Materials:**

All Sessions	\$259.00
--------------	----------

Go to our website to register:  
[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at 206-463-4400. You can also contact us at [info@theseminar.com](mailto:info@theseminar.com) or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 9/16/20. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

### **Register at**

**[TSGregistration.net/6049](http://TSGregistration.net/6049)**